

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-04	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Release Criteria		

I. Policy Statement

It is the policy of the YPA to develop and establish written, uniform criteria as the basis for parole release decisions.

II. Rationale

To establish guideline criteria upon which YPA Board Members can make fair and equitable decisions regarding lengths of stay and treatment objectives.

III. Procedures

- A. The Authority shall determine an appropriate parole date, based upon guidelines approved by the Board of Juvenile Justice Services. The Board of Juvenile Justice Services must approve any modification to the guidelines.
- B. The guideline is developed to provide structure for professional decisions regarding level of restrictiveness and length of secure confinement. The guidelines provide a fair means of determining length of stay so that youth who have similar delinquency histories and commit similar offenses will have similar lengths of stay. The guideline is based upon the following four (4) factors:
 1. the delinquency history of the youth;
 2. the nature and circumstances of the commitment;
 3. the treatment progress of the youth;
 4. consideration of the victims.
- C. The Authority recognizes that each youth is unique and that individual circumstances must be considered in all parole decisions. The Authority has the discretion to depart from the guidelines when it is determined there are compelling and substantial reasons to do so. Reasons for departure are set forth in writing.
- D. Mitigating and aggravating circumstances, previously not incorporated in the structure of the Guideline Matrix, were developed to assist the Authority in making individual case decisions.
- E. The youth's response to competency development is a prime consideration of the Authority. Progress is documented and classified by secure care facility staff and submitted to the Authority in writing. In those situations in which positive

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-04	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Release Criteria		

treatment response has been documented by staff, the youth may be considered for release by the Authority at the lower range of their guideline continuum.

- F. The Youth Parole Authority determines the length of stay guideline at the time of the initial hearing. This matter may be taken under advisement at Authority request. The guideline is based on the severity of the youth's current offenses, delinquency history, and treatment progress. A Guideline Matrix represents two (2) dimensions in projecting the secure care facility length of stay – Delinquency History and Offense Category. The youth's offense category is determined by the most serious conviction within twelve (12) months from the date of commitment. The youth's delinquency history rating is based upon all adjudications in juvenile court, prior commitments, and placement status at time of commitment. Based upon these two (2) criteria, the youth guideline is prescribed by the specific grid within the Guideline Matrix. The prescribed guideline may be adjusted by the Authority based upon the mitigating and aggravating circumstances of the offense. Based upon documented circumstances, the Authority may place the youth in a grid different from the one prescribed.

1. Delinquency History

- a. Appendix A illustrated the Delinquency History Form used by the Authority in determining the youth's delinquency history classification. The delinquency rating was designed primarily to distinguish between offenses and to hold those youths with long offense records accountable. Consequently, those youth with chronic delinquency histories are prescribed longer lengths of stay than youth with less serious histories. Longer periods of confinement are justified based upon public safety considerations and the rehabilitation needs of the offender. This recognizes that a chronic history of delinquency would likely reflect a more significant degree of dysfunction of social maladaptation than a less chronic or single episode and would require a longer period of treatment intervention and competency development.
- b. The delinquency history rating is determined by prior commitments to secure confinement, total number of felony and misdemeanor convictions, number of life-endangering felonies against persons, and the status of the youth at the time of commitment. The delinquency history is categorized into four (4) groups from least serious (A) to most serious (D). These ratings are reflected on the horizontal axis of the length of stay Guideline Matrix. Appendix B illustrates the Guideline Matrix.

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-04	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Release Criteria		

2. Offense Category

- a. Offenses are ranked into four (4) severity levels, ranging from low severity (Category I), to high severity (Category IV). The severity level is located on the vertical axis of the Matrix shown in Appendix B. It is clearly recognized that the committing offense is not always the most serious offense on the youth's record, nor is it always the reason for the commitment. Therefore, the most serious adjudicated offense within twelve (12) months from the date of commitment determines the offense category. It is hoped that this method will encourage judicial professionals to try less restrictive alternatives first without the fear that if such attempts do not succeed, the youth would, in effect, avoid the consequences of inappropriate behavior at a later date.
- b. The offense categories are separated into two (2) general classifications – offenses against property.
Person offenses are further distinguished by the degree of injury inflicted upon the victim. In essence, youth that commit life-endangering felonies resulting in serious injury to victims will have longer prescribed guidelines than youths who commit property offenses. The average guideline for the property offender is projected at six (6) months, while the average guideline for the person offender is projected at twelve (12) months.
- c. The offense history is derived from the Juvenile Justice Information System. The Authority is responsible for obtaining and verifying the rap sheets of all youth committed to the Division for secure confinement, determining the most serious offense (s), and assigning the offense category.

3. Prescriptive Length of Stay Ranges Related to Treatment Progress

- a. Length of stay is calculated in months as shown in the grids in Appendix B. Once the offense category and delinquency history are determined, the youth can be placed in the corresponding grid, which reflects a guideline that has a minimum and maximum length of time period. The matrix prescribes longer sentences for youths who commit serious offenses against persons and who have chronic delinquency histories, compared to those youths who commit less serious offenses and who have relatively short delinquency histories.

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-04	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Release Criteria		

- b. To encourage and enhance program participation, those youth who make substantial progress in their treatment plans will be given consideration for release at the lower end of their recommended length of stay continuum. The secure care facility staff must document treatment progress and facility adjustment. Each youth's treatment progress will be considered at the Parole Review Hearing.

4. Mitigating and Aggravating Circumstances

- a. The Authority may depart from the prescribed length of stay based upon mitigating and aggravating circumstances, which are not part of the guideline structure. The mitigating and aggravating circumstances that the Authority uses, but is not limited to, are shown in Appendix C. The circumstances will be determined by the Authority at the initial hearing and must be documented in the youth's record.
- b. The Authority may place the offender in a grid other than the one prescribed by the Guideline Matrix when it finds that the interest of justice or equity will be better served.

5. Subsequent Commitments

When a youth is paroled from a secure care facility and is then subsequently committed a new guideline will be established in accordance with the above policies and procedures, with one (1) exception. That exception is that the most serious offense at the time of the subsequent commitment will determine the new offense category. In other words, instead of basing the offense category on the most serious adjudication within the past twelve (12) months from the date of commitment, the offense category will be based upon the most serious offense at the time of commitment. Credit will not be given for time served on a previous commitment or revocation.

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-04	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Release Criteria		

6. Technical Parole Violations

A youth placed on parole generally remains on conditional liberty until discharged or until revocation occurs. If a youth's parole is revoked by the Authority on a technical violation, and no other charges exist which would constitute a felony or misdemeanor if committed by an adult; the Authority has the discretion to detain the youth in secure confinement up to ninety- (90) days. A technical violation is defined as a violation of one (1) of the conditions included in the parole agreement signed by the youth at the time of parole.

7. Detention Time Credit

The Authority has the discretion to award full credit for time served in detention of custody after the initial commitment or revocation. Credit for detention time is awarded only if the custody was due to the original commitment or the revocation.

IV. Continuous Renewal

This policy shall be reviewed three (3) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-04	Effective Date: 07/04	Revision Date: 08/31/04
Subject: Release Criteria		

This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.

Calvin C. Clegg, Chairman
Youth Parole Authority

Date

Eldon Money, Chairman
Board of Juvenile Justice Services

Date

Blake D. Chard, Director
Division of Juvenile Justice Services

Effective/Revision Date